

CENTRAL ADMINISTRATIVE TRIBUNAL

GWUAHATI BENCH

Original Application No. 281 of 1996 (Series).

Date of decision : This the 10th day of June, 1997.

Hon'ble Mr. Justice D.N.Baruah, Vice-Chairman.

Hon'ble Shri G.L.Sanglyine, Administrative Member.

O.A. No. 281 of 1996

D.D.Bhattacharjee & 31 Ors.

Applicants.

By Advocate Mr. A.Ahmed.

-versus-

Union of India & Ors.

Respondents.

By Advocate Mr. S.Ali, learned Sr.C.G.S.C.

O.A. No. 13 of 1997.

Sri Jatin Chandra Kalita & 19 Ors.

Applicants.

By Advocate Mr. A.Ahmed.

-versus-

Union of India & Ors.

Respondents.

By Advocate Mr. S.Ali, learned Sr. C.G.S.C.

O.A.NO. 264 of 1996.

Ram Bachan & 14 Ors.

Applicants.

By Advocate Mr. A.Ahmed.

-versus-

Union of India & Ors.

Respondents.

By Advocate Mr. S.Ali, learned Sr.C.G.S.C.

O.A. No. 20 of 1997.

Shri Hari Krishan Mazumdar & 24 Ors.

Applicants.

By Advocate Mr. A.Ahmed.

-versus-

Union of India & Ors.

Respondents.

By Advocate Mr. S.Ali, learned Sr.C.G.S.C.

Contd...

O R D E R

BARUAH J.(V.C.).

All the above applications involve common questions of law and similar facts, therefore we propose to dispose of all the above applications by a common order.

2. In these applications the applicants have prayed for direction to the respondents to pay Special Compensatory Allowance (Remote Locality). The facts are :

All the applicants of the above applications are working as civilian employees under Defence Department at Dimapur, Nagaland.

3. We have heard Mr. A.Ahmed, learned counsel appearing on behalf of the applicants and Mr. S.Ali, learned Sr.C.G.S.C.

4. Mr. Ahmed submits that question has already been decided by the Apex Court in Civil Appeal No. 1572/97 (Union of India & Ors. Vs. B.Prasad, B.S.O. & Ors.) dated 17.2.1997. The Apex Court in the said case observed thus :

"Having regard to the respective contentions, we are of the view that the Government having been extending the benefit of payment of Special Duty Allowance to all the defence employees working in the North-eastern region as per the orders issued by the Government from time to time as on April 17,1995, they are entitled to both the Special Duty Allowance as well as Field Area Special Compensatory (Remote Locality) Allowance. The same came to be modified w.e.f. that date. Therefore, irrespective of the fact whether or not they have been deployed earlier to that date, all are entitled to both the allowances only upto that date. Thereafter, all the personnel whether transferred earlier to that or transferred from on or after that date, shall be entitled to payment of only one set of Special Duty Allowance in terms of the above modified order."

....Mr. Ahmed

5. Mr. Ahmed submits that the point involved in the cases is squarely covered by the aforesaid decision of the Apex Court. Mr. Ali, learned Sr.C.G.S.C. also confirms the same.

6. In view of the above, we hold that the applicants are entitled to payment of Special Compensatory (Remote Locality) Allowance. Accordingly we direct the respondents to pay Special Compensatory (Remote Locality) Allowance to the applicants in terms of the decision of the Apex Court in Civil Appeal No. 1572/97 Supra.

7. The Applications are accordingly allowed.

8. Considering the facts and circumstances of the cases, however we make no order as to costs.

Sd/-VICE CHAIRMAN

Sd/-MEMBER (A)